Osborne (Thos) 1st Duke of Leeds
1132.a.55

ARTICLES of IMPEACHMENT OF HIGH TREASON AND

Other high Crimes Misdemeanours and Offences, against THOMAS *Earl of* DANBY *Lord High* TREASURER *of* ENGLAND.

As they were delivered in to the House of Lords in the Name of the Commons of England, *by Sir* Henry Capel, December 23. 1678.

Together with a Letter of the Lord Treasurers *to Mr.* Montague, *late Embassador in* France.

I.

THat he hath Traiterously encroacht to himself Regall Power, by treating in matters of Peace and War with Forreign ministersand Embassadors,and giving Instructions to his Majesties Embassadors abroad, without communicating the same to the Secretaries of State and the rest of his Majesties Counsel, against the express Declaration of his Majesty and his Parliament, thereby intending to defeat and overthrow the Provision that has been deliberately made by his Majesty and his Parliment for the Safty and Preservation of his Majesties Kingdoms and Dominions.

II.

That he hath Traiterouſly endeavoured to ſubvert the Anticnt and well eſtabliſhed Form of Government in this Kingdom, and inſtead thereof to introduce an Arbitrary and Tyrannical way of Government, and the better to effect this his purpoſe he did deſign the raiſing of an Army upon pretence of a War againſt the *French* King, and to continue the ſame as a Standing Army within this kingdom; And an Army being ſo raiſed and no War enſueing, an Act of Parliment having paſt to pay and disband the ſame, and a great ſum of mony being granted for that end, he did continue the Army contrary to the ſaid Act, and miſimployed the ſaid mony given for the disbanding, to the continuance thereof, and Iſſued out of his Majeſties Revenues divers great ſums of mony for the ſaid purpoſe, and willfuly neglected to take Security of the Pay-maſters of the Army, as the ſaid Act required, whereby the ſaid Law is eluded, and the Army is yet continued to the great danger and un-neceſſary charge of his Majeſty and the whole Kingdom.

III.

That he Traiterouſly intending and deſigning to Alienate the hearts and affections of his Majeſties good Subjects from his Royal Perſon and Government, and to hinder the meeting of Parliaments, and to deprive his Sacred Majeſty of their ſafe and wholſom Counſel, and thereby to alter the Conſtitution of the Government of this Kingdom did propoſe and negotiate a Peace for the *French* King, upon tearms diſadvantagious to the Intreſt of his Majeſty and his Kingdoms, for the doing whereof he did endeavour to procure a great ſum of mony from the *French* King for enabling him to maintaine and carry on his ſaid traterous deſigns and purpoſes, to the hazard of his Majeſties Perſon

IV.

That he is Popiſhly affected, and hath Traiterouſly concealed (after he had notice) the late horrid and bloody Plot and Conſpiracy, contrived by the Papiſts, againſt his Majeſties perſon and Government: and hath ſuppreſt the Evidence and reproachfully diſcountenanced the Kings Witneſſes in the Diſcovery of it, in favour of Popery, immediately tending to the diſtruction of the Kings ſacred Perſon and the Subvertion of the Proteſtant Religion.

V.

That he hath waſted the Kings Treaſure, by Iſſuing out of his Majeſties Exchequer, and ſeveral Branches of his Revenue for unneceſſary Penſions and ſecret Services, to the vallue of 231602 *l.* within two years, and that he hath wholly diverted out of the known Method and Government of the Exchequer one whole Branch of his Majeſties Revenue to private Uſes, without any account to be made of it to his *M*ajeſty in his Exchequer, contrary to the expreſs Act of Parliament, which granted the ſame, and he hath removed two of his *M*ajeſties Commiſſioners of that part of the Revenue, for refuſing to conſent to ſuch his unwarrantable actings therein, and to advance mony upon that branch of the Revenue for private uſes.

VI.

That he hath by Indirect means procured from his Majeſty to himſelf divers conſidrable Guifts and Grants of Inheritance, of the Antient Revenue of the Crown, even contrary to Acts of Parliament.

For which matters and things the Knights, Cittizens and Burgeſſes of the Commons in Parliament, do in the name of themſelves, and of all the Commons of *England*, Impeach the ſaid *Thomas* Earl of *Danby*, Lord High Treaſurer of *England*, of HIGH TREASON, and other high Crimes, Miſdemeanors and Offences, in the ſaid Articles contained: And the ſaid Commons by Proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid Earl, and alſo of Replying to the Anſwers which the ſaid *Thomas* Earl of *Danby* ſhall make to the Premiſſes, or any of them, or any Impeachment *or accuſation* that ſhall be by them Exhibited, as the Cauſe (according to Courſe and Proceedings of Parliament) ſhall require; Do pray that the ſaid *Thomas* Earl of *Danby*, may be put to Anſwer all and every the Premiſes, that ſuch Proceedings, Tryals, Examinations and Judgments may be upon them, and every one of them, had and uſed, as ſhall be agreeable to Law and Juſtice, and that he may be ſequeſtered from Parliament, and forthwith committed to ſafe Cuſtody.

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The Lord TREASURERS *Letter to Mr.* Montague, *the* KINGS *late Embaſſadour in* France, March 25th. 1678.

My Lord,

SInce my writing to you by Mr. *Brisban*, the Reſolves have been altered as to the ſending you Inſtructions (as yet) for the propoſing any thing to the *French* King, for the Particulars which will be conſented to on the part of the Confederates (and of which this is a Coppy) will be communicated to you by Mr. Secretary *Coventry*, but you will have no other direction from him about them but only thereby to be enabled to find the Pulſe of the King or his Miniſters, at leaſt againſt the time that you ſhall receive Orders to make the Propoſalls to him. That you may know from whence the nicety of that Affair proceeds, it is neceſſary to inform you, That *for fear of its being ill reſented by the Parliament here*, the King will not make any Propoſal at all of peace, unleſs he ſhall be preſt toit by the Confederates: And although, by *Mr. Godolphin*, he is ſufficiently informed, that they deſire a Peace upon the Articles ſent you by the Secretarie, yet not having received that deſire formally, the Conncil will not adviſe his Majeſty to let his Embaſſador propoſe that which he is not formally impowred to make good; and ſo by ſtaying for that formal Power, which by Lerter his Majeſty is ſufficiently enabled to propoſe, the time will be loſt for effecting thePeace, if atall it can be had. To ſupply this defect then, and to prevent the Kings ſending again into *Holland* before he know the mind of *France*, I am Commanded by his Majeſty to let you know, that you are to make the *Propoſitions* incloſed to

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the *King* of *France*, and to tell him, the *King* will undertake for the ſeeing them made good on the part of *Spain*, and *Holland*, in caſe they ſhall be accepted by him. *And in your Anſvver you muſt vvrite the ſame thing to the Secretaries by vvay only of having felt the King of* France *his Pulſe, vvhich you muſt do to the King as a full Anſvver from the King of* France, *and ſuch an one as his Majeſty may depend upon vvhatever that ſhall be.* For the more dexterous management of this Affaire, the *King* is adviſed to ſhew theſe Propoſitions to *Monſieur Berrillon*, but not to give him a Coppy, ſo that by the ſtrength of memory it is expected he ſhall write to his Maſter, and by that meanes only are we to hope for an Anſwer to a matter of this vaſt importance and conſequently. You may imagine what a ſatisfaction we are like to reape from it when it comes. I doubt not but by your Conduct it will be brought to a ſpeedy iſſue, which is of as great importance as the thing it ſelf, there being no condition worſe for his Majeſty, than his ſtanding unreſolved betwixt Peace and War. I find by *Monſieur Berrillon*, That it is like ſome places which are dependances upon greater Townes may be demanded by the *K.* of *F.* but if he intend a Peace (which you will do very well to know his mind fully in) you may juſtly ſay, that you hope he will neither ſtand upon one ſingle place, tho a Fortified one, nor upon any place unfortified, which is a dependant upon thoſe which are to be reſtored to *Spain*. And if any thing ſhall be moved about *Sicily* to remain in the *French* hands until the Peace of *Svveden* be concluded. You are only to ſay, that you are not impowred to ſay any thing upon it: And you are confident the *King* hath done all he could to get the utmoſt Conditions that would be conſented to: Only you are to ſay, the *King* hath again ſent about *Conde*, not being well ſatisfied that they have not left in his power to give or refuſe as he ſhould have found it convenient, and hopeth ſtill for ſome good Anſwer, ☞ *In caſe the*

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ons of Peace shall be accepted The King expects to have six Millions of Livers yearly, for three years, from the time that this Agreement shall be signed between his Majesty and the King of France : *Because it will be two or three years before he can hope to find his Parliament in humour to give him Supplys, after the having made any Peace with* France.

The Embassador here hath agreed to the sum, but not for so long a time. If you find the Peace will not be accepted, you are not to mention the money at all. And all possible care must be taken to have this whole Negotiation as private as possible, for fear of giving offence at home, when for the most part we hear in ten days after any thing that is communicated to the *French Ministers*. I must again repeat to you, that whatsoever you write on this Subject to the Secretarie *(to whom you must not mention one syllable of the money)* you must say only as a thing you believe they will consent to if you had power formally to make these demands. Pray inform your self of the bottom of what is to be expected from *France*, and assure them that you believe this will be the last time that you shall receive any Propositions of a Peace if these be slighted, as indeed I believe it will, so that you may take your own Measures as well as the Kings upon it. I am

Your Excellencies most faithful

and obedient Servant.

March 25. 78.

DANBY.

FINIS.

POSTCRIPT

Now let it pe noted that this very *Letter* was writ by the *Treaſuror* in that very *Seſſion* in the beginning whereof (the better to perſwade the *Parliament* that our *Court* did realy intend to make a warr againſt *France*) he cauſed to be writen and publiſhed a Book intituled *Christiamus Chriſtianandus* in which he renders the *French King* as black as H E L it ſelfe. And after he had (by this and ſuch like *falacies*) prevailed with the *Parliament* to give money to raiſe ſo great a *Navall* and *Land force* to make an actual Warr with *France* (as the *Title* and *Body* of the *Pole Bill* declars) He doth as you ſee but 5. dayes after the paſſing the ſame in a *clandeſtine vvay* (though to the violating the *Royall vvord* and *Faith* of the *Nation*) labour to ſtrik up a *Peace* and obtaine ſuch vaſt ſummes, of mony from the *French King* (whom he thought the terrour of our *Armes* would now oblige to graunt any thing) As he might thereby be inabled to *alter* and change the *legall* and Ancient *Government* of England. By laying aſide *Parliaments* (as ill-humoured things) And introducing an abſolute power by a fixed *ſtanding* Army.

How well this man hath *deſerved* of his *Country*, And whether the Juſtice of the *Nation* can be ſatiſtfied till he be made as gaeat an Example in *Punishment* as he hath been in *miſchiefe* Let all men Judg.